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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/731,936	12/10/2003	Gurinder Singh Kahlon	10541-1927	2057

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EXAMINER

PANG, ROGER L

ART UNIT	PAPER NUMBER
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3681

DATE MAILED: 03/14/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/731,936

Applicant(s)

KAHLON ET AL

Examiner

Roger L Pang

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 10 January 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 14-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 14, 15, 17 and 18 is/are rejected.
- 7) ☒ Claim(s) 16, 19-20 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

The following action is in response to the amendment filed for application 10/731,936 on January 10, 2005.

The affidavit filed on January 10, 2005 under 37 CFR 1.131 is sufficient to overcome the Kato reference.

Claim Rejections - 35 USC § 103

Claims 14-15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Fiala in view of Shimasaki '183. With regard to claim 14, Fiala teaches a method for starting a vehicle comprising a vehicle engine 1, a starter motor 2' linked to said vehicle engine through an engine clutch 2/3, and a plurality of vehicle systems (Fig.) linked to said starter motor, said method comprising the steps of: starting said starter motor (Col. 5, line 32); checking the status of one or more of said vehicle systems 5,7,10,11 to determine whether said vehicle engine should be started; and applying a torque to said vehicle engine by connecting said vehicle engine with said starter motor through said engine clutch (Col. 5, lines 37-40). Fiala lacks the teaching of confirming whether said vehicle has successfully started. Shimasaki teaches an engine starting control comprising an engine 1 and starter motor 2, wherein an engine is started by said motor and it is confirmed whether said engine has successfully started step 70. It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Fiala to employ the engine start confirmation test in view of Shimasaki in order to reduce excessive consumption of electric energy (Col. 2). With regard to claim 15, Fiala teaches the method, comprising the steps of: providing a multi-position ignition switch 5 linked to said starter motor; recognizing

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the initial status of one or more of said vehicle systems required to start said vehicle engine 11;
and detecting whether said multi-position ignition switch is in a pre-determined position 5.

Claim 17 is rejected under 35 U.S.C. 103(a) as being unpatentable over Fiala in view of Shimasaki as applied to claim 14 above, and further in view of Heidemeyer. Fiala teaches the method, wherein said vehicle further comprises a set of gears 4 linked to said starter motor, said initial status of one or more of said vehicle systems required to start said vehicle engine comprising at least one member of the following group: the engagement of said set of gears; the engagement of said transmission clutch; the engagement of said engine clutch; and the operation of said vehicle 5. Fiala lacks the teaching of a transmission clutch. Heidemeyer teaches an engine starting method comprising an engine 1, a starter motor 2, and a plurality of gears 3, wherein the starter motor starts the engine via an engine clutch 4, and is connected to the gears via a transmission clutch 5. It would have been obvious to one of ordinary skill at the time of the invention to modify Fiala to employ a transmission clutch in view of Heidemeyer in order to start the engine without load and adjust the engine by pure field regulation (Col. 3).

Claim 18 is rejected under 35 U.S.C. 103(a) as being unpatentable over Fiala in view of Shimasaki as applied to claim 14 above, and further in view of Nakao. Fiala teaches the method, wherein said step of checking the status of one or more engine system further comprises the step of: detecting whether said multi-position ignition switch is in a pre-determined position. Fiala lacks the teaching of evaluating the amount of time the vehicle engine has idled without a start attempt. Nakao teaches an engine starting control, wherein the amount of time the vehicle

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engine has idled without a start attempt is evaluated before engine starting S580. It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Fiala to employ engine idle time evaluation in view of Nakao in order to ensure a smoothly started and rapidly stabilized engine (paragraphs 77-78).

Allowable Subject Matter

Claims 16 and 19-20 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Response to Arguments

Applicant's arguments with respect to claim 14 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after

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the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

FACSIMILE TRANSMISSION

Submission of your response by facsimile transmission is encouraged. Group 3600's facsimile number is (703) 305-3597. Recognizing the fact that reducing cycle time in the processing and examination of patent applications will effectively increase a patent's term, it is to your benefit to submit responses by facsimile transmission whenever permissible. Such submission will place the response directly in our examining group's hands and will eliminate Post Office processing and delivery time as well as the PTO's mail room processing and delivery time. For a complete list of correspondence not permitted by facsimile transmission, see MPEP 502.01. In general, most responses and/or amendments not requiring a fee, as well as those requiring a fee but charging such fee to a deposit account, can be submitted by facsimile transmission. Responses requiring a fee which applicant is paying by check should not be submitting by facsimile transmission separately from the check.

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Responses submitted by facsimile transmission should include a Certificate of Transmission (MPEP 512). The following is an example of the format the certification might take:

I hereby certify that this correspondence is being facsimile transmitted to the Patent and Trademark Office (Fax No. (703) 305-3597) on _____ (Date)

Typed or printed name of person signing this certificate:

(Signature)


If your response is submitted by facsimile transmission, you are hereby reminded that the original should be retained as evidence of authenticity (37 CFR 1.4 and MPEP 502.02). Please do not separately mail the original or another copy unless required by the Patent and Trademark Office. Submission of the original response or a follow-up copy of the response after your response has been transmitted by facsimile will only cause further unnecessary delays in the processing of your application; duplicate responses where fees are charged to a deposit account may result in those fees being charged twice.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Roger L Pang whose telephone number is 703-305-0445 (571-272-7095 after April 7th). The examiner can normally be reached on 5:30am to 4:00pm.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Charles Marmor can be reached on 703-308-0830. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Roger L Pang
Patent Examiner
Art Unit 3681

March 8, 2005